



## **Board of County Commissioners - Staff Report**

**Meeting Date:** 3/2/2018

**Presenter:** Alyssa Watkins

**Submitting Dept:** Administration

**Subject:** Dead & Company Special Event Application Review

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### **Statement / Purpose:**

To allow for review of the denial of the special event application for the Dead & Company Concert and Festival by the Teton County Board of County Commissioners, per the applicant's request.

### **Background / Description (Pros & Cons):**

Special events within Teton County are managed under the Teton County Board of County Commissioner's Resolution 17-033. On Tuesday, February 13<sup>th</sup>, 2018, the Teton County Administration Office received a Special Event Application for the Dead & Company Concert and Festival. On Wednesday, February 28<sup>th</sup>, 2018, following the internal review process and a subsequent meeting with the applicant, the Board of County Commissioners' Administrator issued a Denial Notification for the application as required by Section 9 of Resolution 17-033, which reads:

9. The Special Event shall be denied by the County Commissioners' Administrator if any of the following are found:

- a. The special event constitutes a nuisance as defined by the resolution and the applicant is unable to mitigate the impacts of the nuisance satisfactorily to Teton County.
- b. Requirements of this resolution are not met.

The attached memo outlines specifically the reasons for denial.

Following receipt of the Denial Notification, the applicant elected to pursue a review of the denial, as allowed for in Section 10 of the Resolution. The Board of County Commissioners honored the request and is here today for that review.

### **Stakeholder Analysis & Involvement:**

The applicant has worked closely with the BCC Administrator throughout the application process. The applicant has also met directly with a number of other elected offices and county departments. The BCC Administrator has worked to involve a number of stakeholders, including County elected offices and departments such as the Clerk's Office, Sheriff's Office, County Attorney's Office, JH Fire/EMS, Emergency Management, Road and Levee, Planning, Environmental Health, and Parks & Recreation, as well as "outside" entities such as the Town of Jackson Police, Public Works, Administration, and START departments, WYDOT, and WHP. Given the proximity of the event site to several area schools, the Teton County School District is also a stakeholder in the process, but they have not yet been contacted.

Questions remain regarding the Town's authorities related to this event due to the half mile jurisdiction, which allows for Town ordinances to be enforced within ½ mile of Town limits (i.e., ½ mile beyond or outside of town limits). Due to the proposed location, it is possible that the Town could require this event to follow the Town's Special Event Permitting process, as well as to comply with local ordinances, such as those related to open containers.

WYDOT has indicated this event will need to comply with their special event permitting process.



## **Board of County Commissioners - Staff Report**

### **Fiscal Impact:**

The fiscal impact of hearing the review is negligible and limited primarily to staff time. If the event is ultimately approved, the fiscal impact on local governmental resources could be significant, and staff recommends that recovery in the form of compensation for times and resources spent by staff and electeds in association with the concert be sought from the applicant as a condition of approval.

### **Staff Impact:**

The staff impact of hearing the review is minimal and limited primarily to the time spent preparing meeting materials. If the event is ultimately approved, staff anticipates the impact on workload to be significant and likely to affect other priorities.

### **Legal Review:**

Gingery

### **Staff Input / Recommendation:**

Staff recognizes the decision to be made is perhaps larger than this single event. Staff recommends that at a subsequent meeting, the Commissioners consider their broader vision for the community as it relates to events of this nature. Should the Commissioners wish to encourage future events of this nature, staff recommends considering changes to the guiding resolution (17-033) to allow the process to better accommodate large-scale events. Should the Commissioners wish to exercise greater control over future events of this nature, staff recommends considering changes to the LDRs to provide more governing guidance in this regard.

If the Commissioners do elect to issue a Compliance Certificate for the event, staff recommends the approval is subject to a list of conditions to be developed by staff in order to help mitigate impacts to the community and alleviate the demands on local government.

Note that, although staff has recommended a denial, the motion is written in the affirmative as per practice and includes the recommended condition above.

### **Attachments:**

Teton County Board of County Commissioner's Resolution 17-033  
Dead & Company Special Event Application (distilled/redacted)  
Dead & Company Denial Notification Memo

### **Suggested Motion:**

I move to direct staff to issue a Compliance Certificate for the Special Event Application for the Dead & Company Concert and Festival, subject to a list of conditions to be developed by staff and the applicant and approved by this board no later than Tuesday, March 6<sup>th</sup>, 2018.

**RESOLUTION 17-033**  
**(Special Events Resolution)**

**WHEREAS**, various types of events, herein referred to collectively as "**Special Events**", within Teton County, place additional or unique demands upon law enforcement, fire protection, and emergency service personnel of Teton County; create hazardous traffic conditions and cause obstructions to traffic; create conditions which are public nuisances; create conditions which constitute sanitation and other health problems; and

**WHEREAS**, the Board of Commissioners of Teton County, acting to protect and safeguard the public health, safety and general welfare, is authorized, among other things, to take general charge of the supervision, management and control of all county and county managed properties; county and public roads, including the regulation of the same and prohibition of processions or assemblages on said roads; and is authorized to abate nuisances and to create rules and regulations for the prevention of disease and for the promotion of public safety; and is authorized to prevent the obstruction of highways and bridges; to regulate and license the distribution of food through the Teton District Board of Health, per the **Teton District Food Safety Rule**; to regulate, prohibit and license the sale of **alcoholic** beverages; to provide for fire protection; and, generally, to provide for the enforcement of the laws of the State of Wyoming and the resolutions of the County Commissioners of Teton County; and

**WHEREAS**, the Board of County Commissioners of Teton County feels that it is necessary to enact a resolution providing law enforcement and other agencies advance notice of the occurrence of such special events including knowledge of responsible parties sponsoring the same, so that appropriate action can be taken by the appropriate authorities of the County in the event of the occurrence of such **Special Events**;

**NOW, THEREFORE, BE IT RESOLVED**, that the following provisions of this resolution shall govern in all cases provided for herein:

1. **REQUIREMENT OF NOTICE.** Any person sponsoring any **Special Event**, as defined herein, in the unincorporated portion of Teton County shall **give notice** of the intention to hold such **Special Event** to the parties, in the manner, and within the time set forth herein.

**COPY**

2. DEFINITIONS. As used herein the following words shall have the following meanings:

- a. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- b. "Sponsor" shall mean the party which organizes, sponsors, conducts, creates, facilitates, sets up, or coordinates a special event.
- c. "Parade" means any march or procession consisting of people, animals or vehicles, or a combination thereof, except funeral processions, upon any public street, county road, or state highway, which does not comply with normal and usual traffic regulations or controls.
- d. "Nuisance" shall mean anything or condition defined as a nuisance or public nuisance by Wyo. Stat. §18-2-115 and Teton County Land Development Regulation 8.9.5, or any condition or event where the noise, music, crowds, odors, and disturbances resulting therefrom substantially interfere with the enjoyment of property by occupants in the neighborhood, or any event which public resources (fire, law enforcement, ambulance, etc.) are unable to provide adequate support or the ability to provide support is diminished because of location, traffic, multiple events, size of event, etc..
- e. "Special Event" means any of the following
  - i. Any **parade or special event** which is held outside the corporate limits of any city or town on a county road or state highway but cannot comply with all applicable traffic statutes. This shall include, but not be limited to, parades, fairs, exhibitions, motion picture filming, bicycle races and foot races.
  - ii. Any **public gathering** of more than **50** guests on site at one time that meets any one of these 5 conditions:
    - 1. The size and or conduct of the event will create **adverse impact to public safety** through diminished access to: normal law enforcement, buildings, structures, fire hydrants and fire apparatus access roads or unduly interfere with

proper fire and police protection or public safety services of any kind at the event or in the areas contiguous to it

2. **Substantial interruption of the safe and orderly movement of traffic** on or any unusually heavy traffic upon, or any **substantial change in traffic patterns** of, or any interference or obstruction of, or **stopping and standing or parking on any state, county or public highway, road, street or right-of-way** or any usage of any of the same other than ordinary vehicular traffic.
  3. **Substantial impact to the Jackson/Teton County Pathways system** that will cause an interruption of the safe and orderly movement of pedestrians and cyclists on the pathway system, including but not limited to, parades, fairs, exhibitions, motion picture filming, bicycle races and foot races.
  4. In light of the number and concentration of persons, animals and vehicles at such event there are **insufficient restrooms or other sanitation facilities** unless special provisions are made therefore, including but not limited to the use of **portable toilets, etc.**
  5. **Alcoholic beverages** will be provided to the participants or spectators under circumstances requiring the issuance, by the County, of a **temporary malt beverage permit or catering permit** or other license or permit to dispense alcoholic beverages.
  6. Any event on county owned land.
3. **NOTICE OF SPECIAL EVENT.** The notice required to be filed, by any person sponsoring any special event shall set forth the following information:
- a. **All Events**
    - i. The name, address and telephone number of the sponsor of

the special event.

- ii. If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- iii. The name, address and telephone number of the person who will be **responsible** for the conduct of the special event conducted.
- iv. The **date** when the special event is to be.
- v. In the event of any **parades** or other special events utilizing highways, roads or streets, the starting point, **route** and termination point of the same and whether any county roads or state highways will need to be temporarily closed pursuant to Wyo. Stat. §24-1-106.
- vi. The approximate **number of persons** who, and animals and vehicles which, will be involved in such event; and a description of the same.
- vii. The hours when such event will **start** and **terminate**.
- viii. A statement as to whether the event will occupy all or any portion of the **route of any highway**, road, street, or pathway proposed to be traversed.
- ix. The **nature of the event**, specifying all activities expected to be associated therewith.
- x. Whether **alcoholic beverages** will be sold and, if so, by whom, and the type of permit or license authorizing the sale of such alcoholic beverages.
- xi. Whether food and/or any type of beverages will be sold at the event.
- xii. The approximate **number of volunteers or staff** working at the event.
- xiii. The **location** and **capacity** of any **parking** areas to be utilized.
- xiv. The location, **number** and **capacity** of any **restrooms** or other sanitation facilities to be utilized.
- xv. The location, **number** and **capacity** of any **trashcans** or

other disposal facilities to be utilized.

- xvi. If the special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file a communication, in writing, from the person proposing to hold the event authorizing the applicant to apply for the permit on its behalf.
  - xvii. Whether or not **sound amplification** will be utilized and the nature of the same.
  - xviii. Whether or not **fireworks** will be utilized and a description of the same.
  - xix. The **location** and **type** of any **emergency medical facilities or personnel** to be utilized or made available.
  - xx. A detailed **plan for traffic control, parking attendants** or control or **crowd control personnel** intended to be utilized.
  - xxi. Permission from landowner.
  - xxii. If county lands or properties managed by the County are anticipated to be used in the event including, but not limited to, parks, pathways, roads, buildings; approval from the County for such use.
  - xxiii. If pathways are to be utilized for a race, walk, or bike event, the applicant will need to provide crossing guards or arrange for crossing guards at locations designated by the county.
4. The Board of County Commissioners reserves the right to also require a communications plan, security plan, medical plan and safety plan should they feel the amount of people at the event warrants the additional information.
5. **FILING.** A notice of special event shall be made in writing on a form approved and furnished online by Teton County Commissioners' Administration Office of Teton County and shall:
- a. Be filed not less than 45 days before the date upon which it is proposed to conduct the Special Event.
6. **NOTICE TO COUNTY AND OTHER OFFICIALS.** Immediately upon the

receipt of such notice, the staff of Teton County shall send a copy thereof to the following.

- a. Sheriff
- b. Emergency Management Coordinator
- c. Fire Marshal
- d. County Clerk
- e. Parks & Recreation Director
- f. Code Compliance Officer
- g. Environmental Health Division
- h. County Road Supervisor.

7. NOTICE DOES NOT CONSTITUTE APPROVAL. Receipt of the aforesaid notice of a Special Event or failure to enjoin the happening of such Special Event or otherwise regulate or control it by the County Commissioners of Teton County, or any of the other aforesaid agencies, including the Teton County Sheriff's Office, shall not constitute an approval on the part of any of the same of the Special Event nor make any of the same a co-sponsor thereof or liable for any claims, damages, suits, costs or expenses arising therefrom. In addition to the foregoing **neither the giving of the notice required herein, nor the failure on the part of any of the aforesaid agencies to forbid or enjoin the same or to otherwise regulate or control the same shall constitute a release of any person from liability for the violation of any law, statute or regulation of any state, local or municipal body or agency.**

8. All permits required by the respective agencies will be issued independently by each agency, i.e. Alcoholic Liquor Catering Permit from County Clerk, Food Permit from Teton County Environmental Health, etc.. Once all independent permits have been issued and all agencies that needed to be notified have signed off on the special event, the County Commissioner's Administrator shall issue a Special Event Compliance Certificate, based on the information provided by applicant.

9. The Special Event shall be denied by the County Commissioner's Administrator if any of the following are found:

- a. The special event constitutes a nuisance as defined by this resolution and the applicant is unable to mitigate the impacts of



the nuisance satisfactorily to Teton County.

b. Requirements of this resolution are not met.

10. A denial of a Special Event Compliance Certificate may be reviewed by the Board of County Commissioners if requested by the applicant within 5 days of the denial being issued by the County Commissioner's Administrator. The request for review shall be made to the County Commissioner's Administrator. Review by the Board of County Commissioners of the denial of the special event is not a contested case and shall not be reviewed under the provisions of the Wyoming Administrative Procedures Act.

11. Four or more outdoor receptions on the same site per calendar year (excluding non-profit events) must comply with Teton County Land Development Regulations 6.1.3.C

12. ENFORCEMENT. The Board of County Commissioners of Teton County, acting through the County and Prosecuting Attorney or any other duly authorized enforcement official, shall enforce the provisions of this resolution.

13. All officials, departments and employees of the County of Teton vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this resolution and shall issue no permit, certificate or license to any sponsor failing to meet the requirements of this resolution.

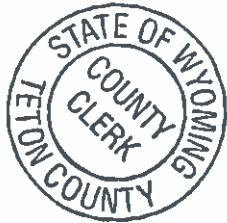
14. This resolution shall be enforceable by injunctive action, in addition to all other remedies at law or in equity.

15. VALIDITY. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- a. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and
- b. Such decision shall not affect, impair or nullify this resolution as a whole or any other part thereof, but the rest of this resolution shall continue in full force and effect
- c. EFFECTIVE DATE. This resolution shall be in full force and effect from the effective date of adoption by the Board of County Commissioners in compliance with the applicable state law.

PASSED, APPROVED AND ADOPTED on this 11 day of September.  
2017.

BOARD OF COUNTY COMMISSIONERS  
OF TETON COUNTY, WYOMING



  
Mark Newcomb, Chair

Attest:

  
Sherry L. Daigle, Teton County Clerk



## **SPECIAL EVENT APPLICATION**

**Applications must be completed and turned in 45 days prior to the event. If you have questions please call the Administration Offices at (307) 733-8094**

*This Teton County Special Events Application is required for any Special event that is held within Teton County except where the Special Event is exclusively within the Town of Jackson (TOJ) city limits.*

*For events solely within the TOJ city limits, please refer to the [Town of Jackson website](#)*

Application Date: **version 2 submission\_FEBRUARY 12, 2018**

Event Date: **AUGUST 18-19, 2018**

Event Name: **DEAD & CO18 CONCERT AND FESTIVAL**

### **Event Summary**

Type of Event: **TWO DAY CONCERT WITH FOOD & BEVERAGE SALES**

Location of the Event: **SOUTH PARK LOOP ROAD, JACKSON, WY [GILL PROPERTY/JACKSON HOLE HEREFORD RANCH LOTS 6&7]**

Set Up Date(s) and Time(s): **AUGUST 8-17, 2018 | 8AM-10PM**

Event Hours (Date(s) and Time(s): **AUGUST 18-19, 2018 | 2-10PM**

Clean Up Date(s) and Time(s): **AUGUST 19-24, 2018 | 8AM-8PM**

Sponsoring person or organization: **JAMES DEIGHAN/HIGHLINE SPORTS & ENTERTAINMENT**

### **Sponsor Contact Information:**

Name: **JAMES DEIGHAN**

Address: **12 VAIL ROAD, SUITE 500 | VAIL | CO | 81657**

Home Phone:

Cell Phone:

Email Address:

Secondary Contact Information: (this should be a contact that is available during the entire event)

Name: **PEGGY WOLFE**

Address:

Cell Phone:

Email Address:

How many people do you expect to attend each day of the event? **20,000**

### Location

This form is required whether the event is on private or public property. The form will be turned in to the appropriate County authority for approval if it is on public property.

<http://tetoncountywy.gov/DocumentCenter/Home/View/3375> **SEE ATTACHMENT\_DEAD&CO18 PROPERTY AUTHORIZATION LETTER**

***If the event is being held on private property you will also need to get permission of any adjacent land owners who may be affected by the event. (an email or letter from the land owner's is sufficient)***

Is the event taking place in a Teton County Park?

☐ No-XX

☐ Yes

If you answered yes, this form is required as part of the application:

[http://www.tetonparksandrec.org/files/uploads/Special\\_Event\\_Shelter\\_Use\\_Form\\_2015.pdf](http://www.tetonparksandrec.org/files/uploads/Special_Event_Shelter_Use_Form_2015.pdf)

Describe the physical area where the event is being held. **THE EVENT VENUE WILL BE LOCATED BETWEEN HIGH SCHOOL ROAD AND SOUTH PARK LOOP ROAD AND HWY 89 ON THE GILL PROPERTY/JACKSON HOLE HEREFORD RANCH LOTS 6&7. SEE ATTACHMENT\_DEAD&CO18\_VENUE MAP**

Attach a map of the area. A Google map is sufficient and can be created at this link:

<https://www.google.com/maps>

Use the following legend to label your site plan:

*Tents (T)	*Food Vendor (FV)	*Alcohol Vendor (AV)
Other Beverage Vendors (BV)	Portable Toilets (PT)	Hand Washing (HW)
Stages or Amplified Sound (SO)	Garbage Receptacles (G)	Recycling Receptacles (RR)
Retail Merchants (RM)	Security (S)	Fire Lane (FL)
Fire Extinguishers (FE)	First Aid/EMS (FA)	Barricades (B)
Electricity/Generators (E)	Trailer/Vehicle Storage (TL)	Car Parking (CP)
Bike Parking (BP)	Entry Gates (EG)	Bleachers (BL)
Venue Boundary (draw a solid line)		

\*These items have additional requirements listed at their specific location within this application

***If there are multiple venues for this event a site map will need to be included for each location!***

Where will the event be started and terminated and who are the responsible people at each area?

**THE FESTIVAL VENUE WILL ALL BE CONTAINED ON THE GILL PROPERTY/JACKSON HOLE HEREFORD RANCH LOTS 6&7. RESPONSIBLE PARTIES: PEGGY WOLFE, HIGHLINE | KATIE TILLE, HIGHLINE | , DIANE MOUDY, HIGHLINE |**

What is the route to be traveled? **SEE ATTACHMENT\_DEAD&CO18- TRANSPORTATION PLAN**

Describe the parking area; include capacity, number of parking attendants and the name and phone number of the person responsible for the parking area. **SEE ATTACHMENT\_DEAD&CO18-TRANSPORTATION PLAN**

**Please Note: Teton County does not allow parking for special events on County Roads**

## **EVENT DETAILS**

### **Staffing**

How many people will be working at the event?

Staff: **350 TOTAL | 10 SENIOR MANAGEMENT**

Volunteers: **25 VOLUNTEERS**

Independent Contractors: **45 OPERATIONS, 80 PRODUCTION/TALENT**

Security: **80 SECURITY/EMS/SHERIFF/POLICE**

Vendors: **100 F&B, 10 MAINTENANCE**

### **Admission Fee**

Will you be charging an admission fee?

☐ No Click or tap here to enter text.

☒ Yes **XX**

If you answered yes include the name and phone number of the person responsible for ticket sales. **RESPONSIBLE PARTY: KATIE TILLE, HIGHLINE |**

### **Amplified Sound**

Will your event have any amplified sound/music?

☐ No

☒ Yes **XX**

If you answered yes indicate the start and end time(s). **LIVE BAND PERFORMANCES WILL TAKE PLACE AT THIS EVENT | AUGUST 17, 2018 SOUND CHECKS 2-4PM | AUGUST 18, 2018 SOUND CHECKS = 12PM-2PM | LIVE MUSIC & ANNOUNCEMENTS 2PM-10PM | AUGUST 19, 2018 SOUND CHECKS = 12PM-2PM | LIVE MUSIC & ANNOUNCEMENTS 2PM-10PM**

### **Food**

Will food and/or beverages (including alcohol) of any type be served at this event?

☐ No

☐ Yes **XX**

If you answered yes, you need to call Environmental and Public Health at (307) 732-8490 to find out if this form is required as part of the application.

<http://www.tetoncountywy.gov/DocumentCenter/View/1313> **WILL SUBMIT LIST OF VENDORS TO ENVIRONMENT AND PUBLIC HEALTH PERMIT ON THIS FORM.**

Describe the food and/or beverage services, types of food and/or beverages offered, location of food and/or beverage services, number of people with the food and/or beverage service and the name and phone number of the person responsible for the food service. **SEE ATTACHMENT\_DEAD&CO18 CONCESSIONS PLAN**

### Alcohol

Will alcohol be served at this event?

☐ No

☐ Yes **XX**

If you answered yes, this form is required as part of the application. If you have questions about this form or the required fees call the County Clerk's Office at (307) 733-4430

<http://www.tetoncountywy.gov/DocumentCenter/Home/View/365>

**SEE ATTACHMENT\_DEAD&CO18 LIQUOR CATERING**

Describe the plan for alcoholic beverage service and a name and phone number of the person responsible. **SEE ATTACHMENT\_DEAD&CO18 ALCOHOL MANAGEMENT PLAN**

### Tents

Will there be tents at this event?

☐ No

☐ Yes **XX**

\*Will any of the tents be sided and more than 200 square feet?

☐ No

☐ Yes **XX**

\*Will any of the tents hold more than 50 people?

☐ No

☐ Yes **XX**

\*Will there be cooking within a tent?

☐ No **XX**

☐ Yes

\*If you answered yes to any of these questions:

- you are required to submit a separate tent floor plan sketch indicating means of egress, seating capacity, location and type of heating and/or electrical equipment.

**DETAILS OF TENT SET UPS ARE CURRENTLY BEING DEVELOPED**

- Irrigation locates are required before any tents may be erected, staked or placed in any public park. The applicant shall coordinate all water locates with the Parks & Recreation Manager (307) 732-5793
- Tents, canopies or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents, canopies or membrane structures, parked vehicles or internal combustion engines (IFC 3103.8.2).
- Tents must meet the flame propagation performance criteria of NFPA 701 (IFC 3104.2). Combustible materials shall not be located within any tent, canopy or membrane structure in use for public assembly. (IFC 3104.5)
- Smoking shall not be permitted in tents, canopies or membrane structures. Approved “No Smoking” signs shall be conspicuously posted (IFC 3104.6)
- All open flame devices are strictly prohibited within tents unless approved by the fire code official (IFC 3104.7)
- Portable 2A:10B-C fire extinguishers shall be provided, one minimum, for tents requiring permits with a 75-foot travel distance (IFC 3104.12).

### **Insurance/Bond**

Is this event insured?

☐ No

☒ Yes **XX**

If you answered yes provide the details of the insurance. **SEE ATTACHMENT\_DEAD&CO\_INSURANCE**

A security bond may be required. That determination is made by the Teton County Commissioners during their application review. Proof of the bond will need to be provided.

### **Security**

Describe plans for security for the event and name and phone number of the person responsible.

**SEE ATTACHMENT\_DEAD&CO\_SECURITY PLAN**

**SEE ATTACHMENT\_DEAD&CO\_IAP/ERP PLAN**

Teton County Sheriff’s Office may have deputies available for security and traffic. See this link for more information on retaining their services:

<http://www.tetonsheriff.org/wp-content/uploads/Special-Events-Permit.pdf>

Describe the sanitation facilities to be used including the location and number of trash receptacles and toilets. Include the name and phone number of personnel responsible for maintenance and clean up. **HIGHLINE WILL BRING IN ALL NECESSARY PORTABLE RESTROOMS AND HANDWASHING STATIONS FOR THIS EVENT. APPROXIMATELY 250 PORTABLE RESTROOMS WILL BE PLACED WITHIN /THROUGHOUT THE FESTIVAL VENUE. THIS WILL ENCOMPASS THE PARKING AREAS AND CONCERT FOOTPRINT. A MIX OF STANDARD PORTABLE RESTROOMS, VIP TRAILERS AND ADA PORTABLE RESTROOMS WILL BE ON SITE. HAND WASHING STATIONS WILL ACCOMPANY THE**

RESTROOM SET UPS. MANAGEMENT OF THE PORTABLE RESTROOMS ON SITE WILL INCLUDE MONITORING DURING THE DAY AND ON SITE SERVICING/CLEANING THROUGHOUT THE WEEKEND TO ENSURE UNITS ARE CLEANED AND IN WORKING ORDER. APPROXIMATELY 150 TRASH/RECYCLE STATIONS WILL BE PLACED THROUGHOUT THE EVENT FOOTPRINT TO PROVIDE THE PROPER RECEPTACLES FOR ALL REFUSE CREATED AT THE EVENT. DEDICATED STAFF AND FESTIVAL PROGRAMS WILL BE IN PLACE TO MAKE SURE THAT THE EVENT SITE STAYS CLEAR OF TRASH AND RECYCLABLE MATERIALS. DUMPSTERS WILL BE POSITIONED ON SITE, OUT OF PUBLIC VIEW AND AVAILABLE FOR TRASH STAFF TO ACCESS FOR TRASH/SINGLE STREAM RECYCLING/CARDBOARD. VENDORS WILL BE REQUIRED TO USE RECYCLED MATERIALS FOR CUPS AND SERVICE WARE DURING THE EVENT.  
REPOSNSIBLE PARTIES: PEGGY WOLFE, HIGHLINE | | SCOTT BLUHM, HIGHLINE |

For a guide on how many toilets are needed please see this link:  
<http://psai.org/wp-content/uploads/2014/07/PSAI-Extended-Chart.pdf>

### Animals

Are animals of any kind involved in this event?

☐ No **XX**

☐ Yes

If yes, will the animals be allowed to mingle with the attendees (includes dogs, horses, etc.)

☐ No **XX**

☐ Yes

Please describe any other pertinent details of this event not previously covered (i.e. live band, helicopter landing, etc.)

**DECIBEL LEVELS WILL SURPASS TETON COUNTY LIMITS BUT HIGHLINE WILL WORK TO MITIGATE THE SUSTAINED LEVELS WITHIN THE CONCERT VENUE.**

Are Fire Rescue and or Medical Services needed for this event?

☐ No

☐ Yes **XX**

If you answered yes, this form is required as part of the application. **SUBMITTED ONLINE 02-10-18**  
<http://tetoncountywy.gov/FormCenter/Jackson-Hole-Teton-County-FireEMS-8/Special-Event-Application-57>

Are Fireworks planned as part of the event?

☐ No **XX**

☐ Yes

If you answered yes, this form is required as part of the application.  
<http://tetoncountywy.gov/FormCenter/Jackson-Hole-Teton-County-FireEMS-8/Application-for-Fireworks-68>



Please read the fire code for Special Events at this link:  
<http://tetoncountywy.gov/DocumentCenter/Home/View/1602>

I have read and understand the fire code.

☐ Yes **XX**

Date: **01.26.18**

***I have read and understand the Standard Conditions for the Events. I have answered all the questions in the application truthfully and to the best of my knowledge.***

Signature



**JAMES DEIGHAN**

Print Name

**02.12.18**

Date

**MANAGING PARTNER,**  
**HIGHLINE SPORTS &**  
**ENTERTAINMENT**

Title

This form may be faxed to Teton County Administration Offices at (307) 733-4451, emailed to [ichenkin@tetoncountywy.gov](mailto:ichenkin@tetoncountywy.gov) or delivered in person to the Administration Offices located at 200 S Willow on the 2<sup>nd</sup> floor at the opposite end from the Planning/Building department.



FUNCTIONAL AREA KEY

- PRODUCTION
- HOSPITALITY
- OPERATIONS
- PUBLIC & SPECTATOR
- SECURITY & EMERGENCY SERVICES

- CAMPUS PERIMETER 6' FENCE
- SECURE PERIMETER 6' FENCE
- PROPERTY LINE

CONCERT AREA:  
603,130 SF

PARKING:  
6,306 SPOTS

BIKE VALET:  
750 SPOTS



DEAD & COMPANY



POPULOUS™

DEAD & CO. 18  
CONCERT & FESTIVAL  
Teton County  
Wyoming

LEGEND

- REST ROOM
- FIRST AID
- CONCESSIONS
- RETAIL
- BAR
- BICYCLE
- TRADE POST

KEYPLAN

DRAWING DATE  
FEBRUARY 12, 2018

SITE PLAN

SCALE  
1"=300'  
0 100' 300'

SHEET NUMBER





FUNCTIONAL AREA KEY

- PRODUCTION
- HOSPITALITY
- OPERATIONS
- PUBLIC & SPECTATOR
- SECURITY & EMERGENCY SERVICES

- CAMPUS PERIMETER 6' FENCE
- SECURE PERIMETER 6' FENCE
- PROPERTY LINE



DEAD & COMPANY



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KEYPLAN

DRAWING DATE  
FEBRUARY 12, 2018

CONCERT VENUE  
ENLARGED

SCALE  
1"=200'  
0 100' 200'

SHEET NUMBER

# MEMO



To: Teton County Board of County Commissioners  
From: Alyssa Watkins, Board of County Commissioners' Administrator  
Date: March 1, 2018  
RE: Dead & Company Concert and Festival Special Event Application Denial

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The County's Special Event Application process is managed through the Teton County Board of County Commissioner's Resolution 17-033. Applications are ultimately resolved through either an "Event Compliance Certificate" or an "Event Denial Notification". In the case of the Dead & Company Concert and Festival Special Event Application, an Event Denial Notification was issued. The intent of this memo is to explain the reasons behind that denial.

Specific to denials, the resolution reads as follows:

9. The Special Event shall be denied by the County Commissioners' Administrator if any of the following are found:

- a. The special event constitutes a nuisance as defined by the resolution and the applicant is unable to mitigate the impacts of the nuisance satisfactorily to Teton County.
- b. Requirements of this resolution are not met.

In the case of the Dead & Company application, the denial was issued for reasons of both a. and b. Specific to a., it is important to point out that the resolution defines nuisance in such a way that many special events can be defined as a nuisance:

"Nuisance" shall mean anything or condition defined as a nuisance or public nuisance by Wyo. Stat. §18-2-115 and Teton County Land Development Regulation 8.9.5. or any condition or event where the noise, music, crowds, odors, and disturbances resulting therefrom substantially interfere with the enjoyment of property by occupants in the neighborhood, or any event which public resources (fire, law enforcement, ambulance, etc.) are unable to provide adequate support or the ability to provide support is diminished because of location, traffic, multiple events, size of event, etc."

As referenced in the resolution, Teton County Land Development Regulation 8.9.5. defines nuisance in part as "a use or act of a property which constitutes an unreasonable interference with the quality of life, health, safety, or welfare of Teton County citizens.."

Creating a nuisance is not the primary issue; the issue is whether or not the applicant can mitigate the impacts of the nuisance satisfactorily to Teton County. It's also important to note that mitigation does not equate to elimination. For example, addressing a nuisance specific to noise does not necessarily require the noise be eliminated altogether, but may be accomplished by limiting the hours in which the noise occurs, buffering the noise from neighboring properties, etc.

During the special event application review process, reviewers from the Sheriff's Office, JH Fire/EMS, Emergency Management, Road & Levee, Planning (Code Compliance and Transportation), the County Clerk's Office, and START indicated concerns related to the following: the volume of attendees (20,000 per day for two days), roadway access/capacity/traffic issues, the capacity of the County to coordinate an event of this magnitude, the limited amount of time to consider/respond/coordinate with regard to the application and event, parking management, trash management, the impact on surrounding residential areas, public safety, wildfire risk, tent permits, public sanitation, crowd control planning, "no parking" enforcement in the general area, the potential inability of the event to comply with areas of the Land Development Regulations (e.g., 6.4.3. Noise, 6.2.2 Required Parking & Loading, 7.8. Transportation Facility Standards, 5.6 Sign Standards), the impact on public transportation, inaccurate permit information, reclamation planning, and the precedence-setting nature of approving this event (e.g., the likelihood of other landowners/promoters subsequently proposing like events).

On Wednesday, February 28<sup>th</sup>, reviewers and other Town and County partners met with the applicant to discuss these concerns and potential mitigation strategies. The applicant is confident in their ability to mitigate any and all issues and has asked the County trust in them and look to their reputation with Rendezvous Fest as evidence they will successfully promote this event and mitigate its impacts on the community. Reviewers commented on their trust and confidence in Highline and believe many of the potential nuisance impacts could be mitigated with proper planning.

However, discussion during and following the meeting indicated ongoing concern on the part of reviewers and Town partners with a lack of clear evidence of the applicant's ability to mitigate impacts on the quality of life and enjoyment of property for local residents (due to traffic, noise, crowds, parking, etc.), as well as to mitigate impacts affecting public safety (location, size of event, traffic), and to mitigate the compromised ability of public resources such as START to provide adequate support to the event and the general public as a result of the event. Reviewers expressed the need for a detailed Traffic Plan, Communications Plan, Medical Plan, Security Plan, and Safety Plan. While the applicant intends to draft these documents, they do not currently exist. Again, while reviewers very much respect this promoter, they also have serious concerns about taking the assurances provided on good faith, without concrete evidence that the mitigation is achievable. Reviewers also expressed concern that trusting the promoter of this particular event to work out details later on in the process sets a precedent that different, future promoters of similar or larger events would likely want or expect to follow as well.

In this vein, staff notes there are many factors that will affect the ability to mitigate that are outside of the applicant's control, such as the existing road configuration, structure, and condition (e.g., the roads in the area are much smaller/narrower than those that service Teton Village, road construction on S Hwy 89 and other locations around the valley will be in progress, there is insufficient existing parking in the area, etc.), the proximity of the event site to residential areas (adjacent to residential neighborhoods on the north and west sides), and the potential effect on public safety of the sheer number of attendees.

The Denial Notification was also issued under section 9. b. – Requirements of this resolution are not met. In section 3.a.xx., the resolution requires the application include "a detailed plan for traffic control, parking attendants or control or crowd control personnel intended to be utilized." The applicant has not submitted a detailed traffic plan. The applicant has stated that they cannot submit such a plan until they receive approval for the event, due to the significant resources required to develop that type of plan for an event of this nature. Reviewers have noted that without seeing this and other event-related plans, they are not comfortable "signing off" on it. The applicant has asked for a conditional approval, contingent on providing the plans requested. Staff's concern with a conditional approval is that it would be very difficult and costly for the applicant to reverse course once commitments (financial and otherwise) are made. While some speculate this creates a greater incentive for compliance on the applicant's part, others note it may also increase pressure on public partners to compromise on mitigation strategies so as to not create a hardship for the promoter or attendees that would occur from cancelling the event on short notice.

While outside the scope of the denial, a number of comparisons have been made between this event and other large events that have occurred in the valley, most specifically concerts at Teton Village and Grand Targhee, and the 2017 Solar Eclipse. While staff is grateful for the confidence the management of those events has inspired, we feel it is important to briefly recognize the differences between those and the current proposal.

The eclipse was a naturally occurring phenomenon over which the County had no control. Local government, along with numerous state and federal partners, spent over two years planning for that event. The impacts and effects of the eclipse were dispersed across the whole of Teton County.

The concerts at Teton Village and Grand Targhee are managed primarily by the resort and the promoter(s). There is specific allowance in the LDRs for such events in the resort zone. Section 4.3.1.F.10.a.vi. speaks to land use elements specific to Planned Resort developments, which are different from those in other zones. Specifically, under the permitted uses heading is the following, “special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort and its facilities shall be permitted.”